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THE CASE OF Major *Anthony Stoughton*.

MAJOR *Stoughton* was a Captain *En Second* in the Right Honourable Lord *Mountjoy's* Regiment of Foot.

THAT for above ſix Months before he was ſuperſeded in the ſaid Regiment, he deſired one Mr. *John Man*, Agent to the ſaid Regiment, to make up his Accompts; which he ſaid could not be done till Lieut. Col. *Proby* and the Paymaſter were in Town; upon which the ſaid Major made his Application to the Lord *Mountjoy* his Colonel, who gave Directions for their coming to Town, who accordingly came (one from *Cheſter*, and the other from *Salisbury*) and remained in *London* above ſix Weeks, yet the ſaid Major could never get any Accompt from the ſaid *Man*, tho he every day ſolicited for the ſame. Therefore the ſaid Major again apply'd himſelf to the Lord *Mountjoy*, complaining of the Ill Treatment he had met with from the ſaid *Man*, in relation to his Accompts; who ſeem'd much concern'd, and ſent Lieut. Col. *Stewart*, his then Major, with the ſaid Major *Stoughton*, to the ſaid *Man*, commanding him forthwith to make up the ſaid Accompts, and pay the ſaid Major whatever ſhould appear due to him; this the ſaid *Man* promiſed to do: But inſtead thereof, after ſeveral Months Attendance, the ſaid *Man* told the ſaid Major, That he neither could nor would give him any Accompt, and at the ſame time bid him make his Application to whom and where he thought fit.

UPON this ſurprizing Anſwer (after ſo long Attendance) the ſaid Major again waited on his Colonel, begging leave to make his Application to the Board of General Officers, who might oblige the ſaid *Man* to do him Juſtice; which the ſaid Colonel conſented to. And upon hearing his Complaint at a full Board (his Lordſhip being then preſent) the Matter was by the ſaid Board (and by Conſent of both Parties) refer'd to Capt. *Robert Gardner*; who on Examination found the ſaid *Man* indebted to the ſaid Major in the Sum of 129 *l.* as by the Award under Capt. *Gardner*'s hand doth appear. Yet the ſaid *Man* refus'd to comply with the ſaid Award, contrary to the Commands of the ſaid Board of General Officers.

THE ſaid Major then having no other Remedy left, but by applying to the Judge Advocate General for a Court Martial againſt the ſaid *Man*, as an Act of Parliament in that Caſe made and provided. Upon which, according to Cuſtom, a Copy of the ſaid Major's Complaint was ſent to the ſaid *Man*, with Directions to appear and ſhew Cauſe why ſuch a Court Martial ſo demanded, ſhould not be allowed the ſaid Major; but the ſaid *Man*, who was perſonally ſerv'd with the ſaid Orders by the proper Officer attending the Board, neither thought fit to appear, nor otherwiſe anſwer the ſaid Complaint, but privately withdrew himſelf to *Holland*. And ſome days after the Lord *Mountjoy* ſent the Major word, that he had appointed one Capt. *Kean*, who was converſant in the Accompts of the Army (in the Abſence of the ſaid *Man*) to ſettle and adjuſt with the ſaid Major; but after four Months Attendance on the ſaid Accompt, there was nothing done in it.

THAT thereupon the ſaid Major finding all the regular Steps he had made for attaining an Accompt, prov'd ineffectual; he then preſented an humble Petition to her Majeſty, complaining of the Hard Uſage he met with from the ſaid *Man*, and praying Relief therein; which her Majeſty was graciouſly pleaſed to refer to the Comptrollers of the Accompts of the Army; before whom the Matter was debated by Accomptants on both ſides, and the Comptrollers being ready to make their Report, purſuant to her Majeſties Directions therein, the ſaid Major with his Friend did wait on the Comptrollers at their Office, where they found one Mr. *Oakley*, another Perſon acting for the Lord *Mountjoy*, who propos'd to refer the Matter a ſecond time. The ſaid Major then ask'd the ſaid Mr. *Oakley*, *If he had any Power from the Lord* Mountjoy *to do it?* who reply'd, *He had*. To which the ſaid Major then ſaid *He would willingly agree, provided the Lord* Mountjoy *would enter into Bonds to ſtand to the Determination*; which was accordingly done, and two months time taken to perform the ſame; but nothing was done in it.

After this the Lord *Mountjoy* (by his Referee Mr. *Oakley*) wrote to the ſaid Major, that the ſaid *Man* was come from *Holland*, and that his Lordſhip had that day (being *Jan.* 29. 1710.) ſent to the ſaid *Man*, to meet the ſaid Major, to prevent any further Diſpute. Agreeable to which the ſaid *Man* told the ſaid Major's Referee that he would not fail in two or three days to come and ſettle the Matter, and make up his Accompt with him; but the ſaid *Man* broke his Word, and never came near the ſaid Referee.

THEN the ſaid Major made his Application a ſecond time to Mr. *Boyde*, the Judge Advocate General, and to his Deputy Mr. *Thurſton*, for a Court Martial againſt the ſaid *Man*, purſuant to the Act of Parliament aforeſaid, and her Majeſties Commands, ſignified by Letter from the Secretary of War, bearing date *Auguſt* 19. 1709. yet he hath never been able to obtain a Court Martial. But the ſaid *Man* finding the ſaid Major ſtill preſſing for it, and that the Judge Advocate General nor his Deputy could longer skreen him from the ſame, he then exhibited a Complaint, to the Board of General Officers, againſt the ſaid Major; in which there is little Truth (if any at all;) but is in reality a Story calculated to ſtop the Major from obtaining a Court Martial againſt himſelf. And therefore the ſaid Major thought fit to write a Letter to Mr. *Boyde*, bearing date *July* 16, 1711. putting him in mind, That the ſaid Major having had her Majeſties poſitive Orders for a Court Martial near two Years, and could never yet obtain one, tho ſo often demanded, the ſaid Major had ſent once more, to know his laſt Reſolution, that he might make his Application elſe where (*Which was to this Honourable Houſe*) if the ſaid Order were not comply'd with.

UPON which Letter and refuſing to attend the Board of General Officers, as is pretended, they thought fit to ſuſpend the ſaid Major, and put a Stop to his Pay, to the utter Ruine of himſelf, a Wife, and Seven Children, the Eldeſt of Five of them not being yet Twelve years of Age; tho in fact the ſaid Major never did diſobey any of their Commands, but on the contrary attended every Summons he received, tho the ſaid *Man* did not, but there was no Notice taken of that.

THE ſaid Major *Stoughton* owns, he did not attend the laſt Summons, by reaſon of his being out of Town, and not knowing any thing of the ſitting of the Board of General Officers that Day, nor did he receive the ſaid Summons till the Day after he was ſuſpended; which the ſaid Major thinks ſo much the harder, becauſe he had not the Liberty of ſpeaking for himſelf, nor was he allow'd any Opportunity of making his Application to that Honourable Board, they having never ſat from that time (being the 17th of *July*) till the 4th of *September* following; but ſo it was the ſaid Major was ſuſpended by that Board without being heard, which he humbly conceives, is without a Precedent, in regard there was but four General Officers preſent when he was ſuſpended, of which, the Lord *Mountjoy* (a Party concern'd) was one, and two of the other three were perfect Strangers to the Matter, they having never been at that Board at any of the times the ſaid Major had attended. That the ſaid Major *Stoughton* has been an Officer in the Army above 30 Years, and humbly hopes, he knows too well the Reſpect due to that Board, to ſtand in Contempt of their Commands, neither was it conſiſtent either with his Reaſon or his Intereſt ſo to do.

But as to the Letter writ to Mr. *Boyde*, Major *Stoughton*, as a Gentleman and a Field Officer of the Army, thinks himſelf equal to him in every reſpect, and qualify'd to write to him or any Gentleman whatever; and he hopes, there was nothing in that Letter that might give juſt Occaſion of Offence. But ſince there is ſo great a Streſs laid upon it, the Major thinks himſelf oblig'd (in his own Vindication) to print the ſame; as alſo Her Majeſty's Order, afore-mentioned, for a Court Martial, Purſuant to Act of Parliament, that this Honourable Houſe may judge whether the ſaid Major had not reaſon (after ſuch Uſage) to write the ſaid Letter.

THAT upon the firſt ſitting of the General Officers, after the ſaid Major's Suſpenſion, which was on the fourth of *September*, he attended, and in the beſt manner he could, told them, *He was very ſorry he had done any thing to bring him under the Diſpleaſure of that Honourable Board; but humbly hop'd, there was nothing in that Letter ſo heinous, as to induce them to ruine him and a numerous Family, by ſtopping his Pay, and therefore pray'd they would take off his Suſpenſion*, which they refus'd to do, telling him, *He muſt make his Application to Her Majeſty*, which he hath ſince done, by his Humble Petition; who was Graciouſly pleaſed to direct Mr. *Granville*, her Secretary at War, to lay the ſame before the Board of General Officers, to know if they had any reaſon to offer why the ſaid Major's Suſpenſion ſhould not be taken off, which Mr. *Granville* accordingly did in three ſeveral Letters, the firſt bearing Date, the fifteenth of *September*, 1711; the ſecond, the ſixth; and the third, the twenty third of *October* following.

BUT that Board not thinking fit either to take off the Suſpenſion, or give any Reaſon for continuing the ſame; Her Majeſty was graciouſly pleas'd, in Compaſſion to the ſaid Major and his Family, to direct that the ſaid Suſpenſion be taken off, and that he be reſtored to his half Pay; which Mr. *Granville* has been pleas'd to ſignifie to Mr. *Bridges*, the Pay-Maſter-General, by his Letter, bearing Date the 21ſt of *November*, 1711. and the ſaid Major was reſtored accordingly.

MAJOR *Stoughton* therefore moſt humbly ſubmits himſelf to this Honourable Houſe, to be redreſs'd from the many Hardſhips he and his Family hath ſuffer'd on this Occaſion, as they in their Great Wiſdom and Goodneſs ſhall think meet.

And your Petitioner ſhall ever Pray, &c.

Anthony Stoughton.

A Copy of a LETTER *to Mr.* Boyde, *or in his Absence, to Mr.* Thurston *at the* Horse-Guards, *on* Monday July 16. 1711.

SIR,

YOU are sensible, that for near two Years, I have had her Majesty's Order for a Court-Martial against Captain *Man*, signified to you in Writing by Mr. Secretary *Walpole*, and how it comes to pass that you have not complied with it, I cannot tell, nor can you, I believe, assign a Reason for not doing it. I have a very great Respect for you, as I esteem you a Gentleman and a Man of Honour; and therefore am surpris'd at the Delay in summoning a Court-Martial, Pursuant to Her Majesty's Commands, and agreeable to an Act of Parliament upon which your Office is founded. I have often reminded you in this Matter, and find it to no Purpose; therefore once for all I give you this mannerly Notice, that if I have not a Court-Martial next Week, I shall esteem you as much my Enemy as Captain *Man*, and shall endeavour to represent it to such a Power, as neither you nor Captain *Man* can trifle with. And this I give you as my last Resolution, which I hope, you'll think fit to comply with, since I find Captain *Man* has no Value or Regard to the Determination the Honourable Board of General Officers once made in this Affair; your Compliance herein will not only serve and oblige your self, but also, *Sir,*

Your most Humble, and most Obedient Servant,

Anthony Stoughton.

Her Majesty's Order for a Court-Martial.

SIR, White-Hall, August 19, 1709.

THE inclosed Petition of Major Stoughton, *late of Lord* Mountjoy's *Regiment, having been laid before Her Majesty, praying a Court-Martial against Captain* Man, *Agent to the said Regiment, for refusing to make up his Accompts during the time the said Major* Stoughton *was Captain in the said Regiment. I am commanded to signifie to you Her Majesty's Pleasure, that you summon a Court-Martial, according to the Prayer of the said Petition. I am,* Sir,

Yours, &c.

R. Walpole.

Mr. *Boyde*, or Mr. *Thurston.*

N. B. It is very evident, That no Agent ever suffer'd him self to be prosecuted by an Officer for an Accompt for Two Years together, (as the Major has done Mr. *Man*) if the Balance lay on the Agent's side, as Mr. *Man* in his Complaint alleges; but if it were so, how comes it to pass that there has been so much Interest made by the Lord *Mountjoy* to the Board of General Officers, to prevent Major *Stoughton*'s having a Court Martial, and Mr. *Man* so very unwilling to appear before them? If Mr. *Man* be so innocent, as he pretends, he may be sure that Gentlemen of Honour and upon their Oaths (as a Court Martial must be) would do him no hurt. But in good earnest, the very Design and Intent of that Complaint was (as is abovementioned) only to prevent a Court Martial against himself, and it is very plain that the Board of General Officers took it so; for at their Meeting *September* the 19*th*, which was immediately after Mr. Secretary *Granville*'s first Letter to them, they told the Major, *That when the Difference between him and Mr.* Man *was adjusted, they would consider of taking off the Suspension*, (tho Mr. *Granville*'s Letter to them made no mention of it); but so it was, that the Major must continue suspended, and his Pay stopt, till he was starv'd into a Complyance. Which he humbly hopes this *Honourable House* will think very unreasonable. Besides the Major prays it may be consider'd, That there was such an Interest made to the Board of Generals for Mr. *Man*, that in two or three Days his Complaint was heard, which the Major could not obtain in Two Years, tho he had her Majesties Order for the same.

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THE
CASE
OF
Major *Anthony Stoughton.*

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